

REMARKS

This is a full and timely response to the outstanding final Office Action mailed July 14, 2005. Upon entry of this response, claims 1-2, 4-7, 9-15, and 17-23 remain pending in the present application.

In the Office Action, the preliminary rejection of pending claims 1-2, 4-7, 9-15, and 17-23 based on obviousness under 35 U.S.C. § 103 by U.S. Patent No. 5,278,898 to Cambray et al. in view of U.S. patent No. 6,330,326 to Whitt et al. and U.S. Patent No. 6,173,052 to Brady has been maintained by the Examiner. The Applicants traverse all of the rejections of the Office Action. Applicants appreciate the Examiner's review of the above-identified patent application and respectfully request reconsideration and allowance in view of the following remarks.

I. Response to Claim Rejections Based on Obviousness

In the Office Action, claims 1-2, 4-7, 9-15, and 17-23 have been preliminary rejected as obvious under 35 U.S.C. § 103. Specifically claims 1-2, 4-7, 9-15, and 17-23 have been rejected under 35 U.S.C. § 103 by U.S. Patent No. 5,278,898 to Cambray et al. (hereinafter, "Cambray") in view of U.S. patent No. 6,330,326

to Whitt (hereinafter, "Whitt") and U.S. Patent No. 6,173,052 to Brady (hereinafter, "Brady").

A. Claim 1

Applicants' claim 1 recites,

...retrieving information from said identified customer database records that is **relevant to call prioritization**;

creating a call record for each connected call, each call record including said caller identifying information and said retrieved call prioritizing information;

inserting each created call record into a hold queue;

based on at least said retrieved call prioritizing information, prioritizing said plurality of calls in said hold queue...

(Emphasis Added)

Applicants respectfully submit that the references Cambray in view of Whitt in further view of Brady fail to disclose, teach, or suggest the above emphasized elements of preliminarily rejected claim 1 for at least the reasons that follow. The Office Action mailed July 14, 2005 does not address the lack of disclosure of retrieving information from said identified customer database records that is relevant to the call prioritization.

The Office Action acknowledges that neither Cambray nor Whitt discloses retrieving information from said identified customer

database records that is relevant to the call prioritization. The Office Action relies on Whitt to cure this deficiency.

However, Whitt does not disclose using the caller's history to change the priority of the current call among the other callers in the holding queue. The Office Action mailed 7/14/05 cites to col. 4, lines 19-52 of Whitt as disclosing this aspect. The Office Action further notes, "that the call history of the current caller is used to predict how long the current caller will wait."

See Page 3, lines 1-5 of the Office Action mailed 7/14/05. However, the Office Action is using this reference to Whitt out-of-context.

Whitt is not referencing the same caller in this reference. Whitt discloses using a customer identifier to recall previous calling history of the current customer from a database and using the calling history to estimate the probability distribution function (PDF) for the waiting time for the next successive callers. Whitt does not teach or suggest using the calling history to prioritize the same current customer call. The Office Action appears to be making a specific reference to the statement in Whitt, "The calling history serves as a basis for predicting the holding time of the current call." See column 4, lines 51-52

of Whitt. However, this is not disclosing what the Office Action purports. Whitt's reference to the current call is the next caller that is current going to be handled. The reference to the current call is not the call of the referenced calling history. The Office Action interpretation would not make logical sense in view of entire disclosure of Whitt. The calling history of the current customer historical wait time would not be useful in predicting the waiting time of that customer. That customer would have been serviced making the historical wait time of that customer obsolete. The historical wait time of that customer is used to predict the wait time of the next successive customer or customer currently being handled not the customer associated with the historical wait time.

Applicants respectfully submit that none of the references provided by the Examiner disclose, teach, or suggest prioritizing the calls in said hold queue based on the prioritizing information of the call as claimed in Applicants' claim 1. In addition, applicants still respectfully submit that the combination of Cambray and Whitt as suggested by the Examiner in the Office Action is an improper legal conclusion of obviousness as previously discussed in the Response mailed 1/28/05. Therefore,

for at least these reasons the preliminary rejection of claim 1 should be withdrawn and claim 1 allowed.

B. Claims 2, 4-6, and 20

The Applicants respectfully submit that since claims 4-6 and 20 depend on independent claim 1, claims 4-6 and 20 contain all limitations of independent claim 1. Since independent claim 1 should be allowed, as argued above, pending dependent claims 4-6 and 20 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

C. Claim 7

Applicants' claim 7 recites,

...a customer database including a plurality of database records, each database record including caller identifying information and **information relevant to call prioritization** based on a previous interaction with said customer;...

a hold queue prioritizer responsive to said caller identifying information from each of said plurality of calls connected to said automated telephone system, for retrieving at least a portion of said call prioritizing information stored in each said database record corresponding to each connected call, **prioritizing said plurality of calls in said hold queue based on at least said retrieved call prioritizing information**, and for selecting a connected call to direct from said plurality of prioritized calls in said hold queue.

(Emphasis Added)

Applicants respectfully submit that the references Cambray in view of Whitt in further view of Brady fail to disclose, teach, or suggest the above emphasized elements of preliminarily rejected claim 7 for at least the reasons that follow. As previously discussed in greater detail in Section IA regarding claim 1, neither Cambray, Whitt, Brady, or a combination of the references disclose, teach, or suggest the aspect of utilizing the retrieved information of the current call to establish call prioritization for the current call in a hold queue. In addition, applicants still respectfully submit that the combination of Cambray and Whitt as suggested by the Examiner in the Office Action is an improper legal conclusion of obviousness as previously discussed in the Response mailed 1/28/05. Therefore, for at least these reasons the preliminary rejection of claim 7 should be withdrawn and claim 7 allowed.

D. Claims 9-14 and 21

The Applicants respectfully submit that since claims 9-14 and 21 depend on independent claim 7, claims 9-14 and 21 contain all

limitations of independent claim 7. Since independent claim 7 should be allowed, as argued above, pending dependent claims 9-14 and 21 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

E. Claim 15

Applicants' claim 15 recites,

...a customer database, including customer database records including caller identifying information and **call prioritizing information based on a previous interaction with said customer;**

at least one hold queue; and

a hold queue prioritizer, coupled to said call receiver/director, said hold queue prioritizer including:

a means for obtaining caller identifying information from each of said plurality of connected calls;

a means responsive to said obtained caller identifying information, for searching said customer database to identifying customer database records corresponding to said obtained caller identifying information for each of said plurality of connected calls, and retrieving said call prioritizing information from each of said identified customer database records;

a means for creating a call record for each of said plurality of connected calls, each call record including said caller identifying information and said call prioritizing information;

a means for prioritizing said plurality of calls in said hold queue based on at least said retrieved call prioritizing information..

(Emphasis Added)

Applicants respectfully submit that the references Cambray in view of Whitt in further view of Brady fail to disclose, teach, or suggest the above emphasized elements of preliminarily rejected claim 15 for at least the reasons that follow. As previously discussed in greater detail in Section IA regarding claim 1, neither Cambray, Whitt, Brady, or a combination of the references disclose, teach, or suggest the aspect of utilizing the retrieved information of the current call to establish call prioritization for the current call in a hold queue. In addition, applicants still respectfully submit that the combination of Cambray and Whitt as suggested by the Examiner in the Office Action is an improper legal conclusion of obviousness as previously discussed in the Response mailed 1/28/05. Therefore, for at least these reasons the preliminary rejection of claim 15 should be withdrawn and claim 15 allowed.

F. Claims 17-19 and 22

The Applicants respectfully submit that since claims 17-19 and 22 depend on independent claim 15, claims 17-19 and 22 contain

all limitations of independent claim 15. Since independent claim 15 should be allowed, as argued above, pending dependent claims 17-19 and 22 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

II. Newly Added Claim

Claim 23 has been added to better define the Applicants' invention. The Applicants believe newly added claim 23 is patentable over the cited references.

A. Claim 23

Applicants' claim 23 recites,

...retrieving information from said identified customer database records that is **relevant to call prioritization of the connected call associated with said identified customer;**

creating a call record for each connected call, each call record including said caller identifying information and **said retrieved call prioritizing information of the connected call associated with said identified customer;**

inserting each created call record into a hold queue; **based on at least said retrieved call prioritizing information of the connected call associated with said identified customer,** prioritizing said plurality of calls in said hold queue; and

directing a connected call from said plurality of prioritized calls in said hold queue to an available agent.

(Emphasis Added)

Applicants respectfully submit that the references Cambray in view of Whitt in further view of Brady fail to disclose, teach, or suggest the above emphasized elements of preliminarily rejected claim 23 for at least the reasons that follow. As previously discussed in greater detail in Section IA regarding claim 1, neither Cambray, Whitt, Brady, or a combination of the references disclose, teach, or suggest the aspect of a customer database record that is relevant to call prioritization of the connected call associated with said identified customer. In addition, applicants still respectfully submit that the combination of Cambray and Whitt as suggested by the Examiner in the Office Action is an improper legal conclusion of obviousness as previously discussed in the Response mailed 1/28/05. Therefore, for at least these reasons the preliminary rejection of claim 23 should be withdrawn and claim 23 allowed.

III. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.


In re: Gene W. Lee
Filed: December 2, 1998
Serial No.: 09/203,965
Page 24

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, the Applicants respectfully submit that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-2, 4-7, 9-15, and 17-23 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

Gene W. Lee

By 
Andrew R. Martin, Esq.
Registration No. 45,413
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104
Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: 9-27-05